

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS			
<p>NORMAN NEW RIDER, a minor, by his mother and next friend, WILMA WILLIAMS: LLOYD CUMMINGS, JR., a minor, by his parents and next friends, LLOYD & LILLIE CUMMINGS: KENNETH SMITH, a minor, by his mother and next friend, VELMA SMITH</p> <p>VS</p> <p>BOARD OF EDUCATION OF INDEPENDENT SCHOOL DISTRICT NO. 1, Pawnee County, Oklahoma whose members are ALBERT ALLEY, President, H. L. RATLIFF, FRANK MALTSBERGER, DONALD WATERS, R. L. WOODARD; H. L. HOLLOWAY as Superintendent of Pawnee School District; JAMES CHILDERS, as Principal of Pawnee Union High School</p>		<p>For plaintiff:</p> <p>Vincent L. Knight 601 Mercantile Bldg. Okla. City, Okla. 73102(405 235 3706)</p> <p>Yvonne T. Knight Native American Rights Fund 1506 Broadway Boulder, Colorado 80302(303-447-8760)</p> <p>Charles F. Wilkinson <i>FTS 303.000-000</i> Native American Rights Fund 1506 Broadway Boulder, Colorado 80302</p> <p>For defendant:</p> <p>Robert J. Scott, William J. Perry Scott & Perry P. O. Box 336 Pawnee, Okla. 74058</p>			
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed <i>5-1-72</i>	Clerk	4-28-72	Wilkinson	15 00	
		5-4-72	C.D.No.49		15 00
		8-29-72	Knight	5 00	
J.S. 6 mailed <i>9-1-72</i>	Marshal	8-31-72	C.D.No.10		5 00
Basis of Action: Injunctive relief from violation of First, Fifth & 14th amendments	Docket fee				
Action arose at:	Witness fees				
	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
4-28-72	Complaint for injunctive relief, filed. (Summons waived by defts)hm	
4-28-72	Motion for a temporary restraining order and an order to show cause, filed. hm	
4-28-72	Memorandum in support of motion for temporary restraining order, filed. hm	
4-28-72	Affidavit of Charles F. Wilkinson, filed. hm	
4-28-72	Affidavit of Owen Echohawk, filed. hm	
4-28-72	Affidavit of Harold W. Morgan, filed. hm	
4-28-72	Affidavit of John Leslie Coons, filed. hm	
4-28-72	Affidavit of Velma Smith, filed. hm	
4-28-72	Affidavit of Lillie Cummings, filed. hm	
4-28-72	Affidavit of Kenneth Charles Smith, filed. hm	
4-28-72	Affidavit of Lloyd Kenneth Cummings, Jr., filed. hm	
4-28-72	Affidavit of Austin Realrider, filed. hm	
4-28-72	Affidavit of Norman New Rider, filed. hm	
4-28-72	Affidavit of Lloyd K. Cummings, filed. hm	
4-28-72	Affidavit of Sidney Moore, Sr., filed. hm	
4-28-72	Affidavit of Wilma Williams, filed. hm	
4-28-72	Affidavit of Dr. James H. Howard, filed. hm	
4-28-72	Deft's motion to dismiss, filed. hm	
4-28-72	Brief in support of motion to dismiss, filed. hm	
4-28-72	Notice of appearance of non-resident attorneys, filed. hm	
5-1-72	Hearing held in Okla. City on temporary injunction. Court finds that the hair of the Indian children has not disrupted school operations & that the hair of the children is not long enough to braid. On agreement of counsel the Court enters a 30-day temporary injunction. Brief of deft. & supplemental affidavit of Charles F. Wilkinson filed in open court. Case set for hearing on permanent injunction 6-5-72 at 10:00 a.m. in Okla. City. (LB-J)(Bud Bailey by hm)	
5-3-72	Preliminary injunction and Conclusions of law, filed, restraining defts. from continuing suspension or expulsion of minor pltf's. from regular attendance at school until further order of court, setting case for final hearing on 6-5-72 at 10:00 a.m. in Okla. City & directing defts. to refrain from enforcing school dress code as hereinabove set forth until after final hearing in case. (LB-J)hm (copies mailed)	
5-15-72	Answer to complaint of all defts., filed. hm	
6-6-72	Subpoena to James Childers, returned. hm	
6-5-72	Hearing held in Okla. City on permanent injunction. Parties present and announce ready. Court dismisses case for lack of jurisdiction. Court to prepare order. (LB-J)hm	
6-6-72	Order, filed and entered, that case is dismissed. (LB-J)hm (copies mailed)	
6-6-72	Plaintiffs' trial brief, filed. hm	
6-16-72	Notice of motions: motion for reconsideration and alternative motions for injunction pending appeal and to expedite transmission of record and docketing of appeal, filed. hm	
6-16-72	Affidavit of Yvonne T. Knight in support of the motion for reconsideration, and alternative motions for injunction pending appeal and to expedite transmission of record and docketing of appeal, filed. hm (cont)	

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-16-72	Memorandum of points and authorities re motion to reconsider, filed.	hm
6-16-72	Memorandum of points and authorities re alternative motion for injunction pending appeal, filed.	hm
6-16-72	Memorandum of points and authorities re alternative motion to expedite transmission of record and docketing of appeal, filed.	hm
6-16-72	Affidavit of service by mail, filed.	hm
6-21-72	Order vacating dismissal and reinstating case, filed. (LB-J)hm (copies mailed)(Case set for trial on 7-5-72 at 9:30 a.m. in Okla. City, Okla. for hearing on pltfs' request for a permanent injunction)	
7-5-72	Case stricken from trial assignment of this date, to be reset at a later date. (LB-J)hm	
7-18-72	Case set for trial in Okla. City on 8-7-72 at 9:30 a.m. (LB-J)hm	
8-7-72	Case called for hearing on permanent injunction in Okla. City. Parties present and announce ready. Testimony given. Brief of deft. filed in open court. Court takes case under advisement and will prepare order. (LB-J)hm	
8-11-72	Memorandum Opinion filed and entered. It is ordered that the prayer for injunctive relief should be denied and this case dismissed. (LB-J)h (Copies mailed)	
8-11-72	Exhibits, filed. (in exhibit room)hm	
8-22-72	Notice of motion and motion of pltfs. for finding of fact, filed.	hm
8-22-72	Memorandum of points and authorities re: motion for finding of fact, filed.	hm
8-28-72	Defendants' memorandum in opposition to motion for findings of fact, filed.	g
8-28-72	Pltfs' motion for TRO and order to show cause, filed.	hm
8-28-72	Notice of motion and pltfs' motion for injunction pending appeal, filed.	hm
8-28-72	Affidavit of Yvonne T. Knight, filed.	hm
8-28-72	Certificate of service by mail, filed.	hm
8-28-72	Order, filed, that pltfs' request and motion to withdraw its proposed finding of fact is granted & that pltfs' motion for restraining order or injunction pending appeal is denied. (LB-J)hm (copies mailed)	
8-29-72	Notice of appeal by pltfs., filed. copies to USCA, Scott & Perry.	g
9-8-72	Cost bond on appeal (\$250.00 cash), filed.	g
9-8-72	Plaintiffs' designation of record, filed.	g
9-18-72	C.C. of Order of USCA allowing appellants to attend school pending appeal, so long as they observe the modified dress code and wear their hair in braids, filed.	g
9-19-72	Transcript (orig. + file cpy) of proceedings at hearing on permanent injunction, filed. (FMS-Rptr.)g	
9-19-72	Appeal record (2 vols.) sent to USCA.	g

DATE	PROCEEDINGS	Date Order or Judgment Noted
9-25-72	Transcript of testimony of H. L. Holloway and James Childers at hearing on temporary injunction, 5-1-72, filed. g	
9-25-72	Supplemental appeal record (containing above transcript) sent to USCA.g	
12-19-73	Mandate & Opinion of USCA affirming judgment of 8-28-72, with cpy of Order of Supreme Court of USA denying petition for writ of certiorari, 12-10-73, filed and spread of record. g	
2-20-74	Appeal record (3 vols.) and certiorari record from USCA, rec'd from Supreme Court. g	
10-30-74	Order of disbursement, filed, directing Clerk to disburse to pltfs. the sum of \$250.00 as refund of cash appeal bond. (LB-J)hm (copy mailed Yvonne T. Knight)	